

## Environmental Protection Agency

## § 270.170

(f) Before issuing the final RAP decision, the Director must compile an administrative record. Material readily available at the issuing Regional office or published materials which are generally available and which are included in the administrative record need not be physically included with the rest of the record as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see § 270.140(b)) and:

- (1) All comments received during the public comment period;
- (2) Tapes or transcripts of any hearings;
- (3) Any written materials submitted at these hearings;
- (4) The responses to comments;
- (5) Any new material placed in the record since the draft RAP was issued;
- (6) Any other documents supporting the RAP; and (7) A copy of the final RAP.
- (g) The Director must make information contained in the administrative record available for review by the public upon request.

### **§ 270.155 May the decision to approve or deny my RAP application be administratively appealed?**

(a) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing(s) on the draft RAP, may appeal the Director's decision to approve or deny your RAP application to EPA's Environmental Appeals Board under § 124.19 of this chapter. Any person who did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under § 124.15 of this chapter (or a decision under § 270.29 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under §§ 124.19(c) and 124.10 of this chapter, the Director will give public notice of any grant of review of RAPs by the Environmental Appeals Board through

the same means used to provide notice under § 270.145. The notice will include:

- (1) The briefing schedule for the appeal as provided by the Board;
- (2) A statement that any interested person may file an amicus brief with the Board; and
- (3) The information specified in § 270.145(c), as appropriate.
- (b) This appeal is a prerequisite to seeking judicial review of these EPA actions.

### **§ 270.160 When does my RAP become effective?**

Your RAP becomes effective 30 days after the Director notifies you and all commenters that your RAP is approved unless:

- (a) The Director specifies a later effective date in his decision;
- (b) You or another person has appealed your RAP under § 270.155 (if your RAP is appealed, and the request for review is granted under § 270.155, conditions of your RAP are stayed according to § 124.16 of this chapter); or
- (c) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

### **§ 270.165 When may I begin physical construction of new units permitted under the RAP?**

You must not begin physical construction of new units permitted under the RAP for treating, storing or disposing of hazardous remediation waste before receiving a finally effective RAP.

### **HOW MAY MY RAP BE MODIFIED, REVOKED AND REISSUED, OR TERMINATED?**

### **§ 270.170 After my RAP is issued, how may it be modified, revoked and reissued, or terminated?**

In your RAP, the Director must specify, either directly or by reference, procedures for future modifications, revocations and reissuance, or terminations of your RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change your management